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April 21, 2023

VIA ECF

Hon. Katherine Polk Failla
United States District Court
Southern District of New York
40 Foley Square, Courtroom 618
New York, NY 10007

MEMO ENDORSED

Re: *Halim v. KIND LLC*, No. 1:22-cv-10979

Dear Judge Failla:

We write in accordance with your Honor's Individual Practices to request an adjournment of the initial conference, currently set for May 18, 2023.

Defendant KIND LLC's deadline to respond to the complaint is May 1, 2023. KIND anticipates that it will respond to the Complaint by requesting a pre-motion-to-dismiss conference with the Court. Accordingly, it is in the interest of judicial economy and preserving party and Court resources to hold the initial conference after the parties and Court have clarity as to the pleadings in this case.

KIND thus respectfully requests that the initial conference be adjourned until the Court rules on its anticipated motion to dismiss (or the motion is otherwise resolved), and further, respectfully requests that the proposed discovery plan and Discovery Plan Worksheet be due on or before the Thursday prior to the continued initial conference. There have been no previous requests to adjourn the initial conference and associated deadlines in this case.

Plaintiff consents to this request.

Respectfully submitted,

/s/ Dale J. Giali

Dale J. Giali

cc: All counsel of record via ECF

Application GRANTED IN PART. To the extent Defendant wishes to submit a pre-motion letter regarding its anticipated motion to dismiss, it may do so. If Defendant chooses this course, the Court will convert the initial pretrial conference to a pre-motion conference, at which time the Court will hear from the parties in more detail regarding their positions on the anticipated motion. The parties need not submit a case management plan or joint letter in the event that Defendant submits a pre-motion letter.

Plaintiff is to file any response in opposition to Defendants' pre-motion letter within three days of its filing, per the Court's Individual Rule 4(A).

The Clerk of Court is directed to terminate the pending motion at docket number 14.

Dated: April 21, 2023
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE